

REMARKS

Claims 1 – 6 and 17-23 are pending in the application. Claims 7-16 have been withdrawn. Claims 1- 6 and 17 - 23 presently stand rejected.

Interview Summary

The undersigned wishes to thank Examiner Okoronkwo for taking the time to conduct a telephonic interview on August 29, 2007. During the interview, the undersigned presented the arguments set forth below with respect to the Section 103(a) rejection.

Rejections under 35 U.S.C. 103(a)

Claims 1-6 and 17-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Crossley et al (US 4,780,821) in view of Wyman et al (US 5,204,897). Reconsideration is respectfully requested.

The present application is directed to a method of providing a second computer program process for proxy-executing code on behalf of a first computer program process, interfaced with a user that transparently enforces license management after a license for the first computer program process has been granted by a license authority. This enforcement involves three processes that work together, each of which is recited in claims 1 and 17.

The first process is the triggering code to be executed, along with a digital license setting forth the terms and conditions for execution. The second process is the proxy-execution process. This second process is responsible for checking the terms and conditions for a license to determine if a first program process may be executed and is responsible for executing the code of the triggering device in the first process as a remote process in accordance with the terms and conditions of the license. The third process serves as an enabler, or key, for granting access directly, or to provide access as a proxy for the first program process.

As recited in claims 1 and 17, the three processes work together, in communication with a user, to execute programs remotely that have a valid license to execute. They also work together to maintain a dependency of the first process upon the proxy-execution

capability of the second process and the address and identification of the program that triggered the request for proxy-execution as maintained by the third process.

Referring specifically to the language of claims 1 and 17, each of these claims expressly recites “a second process operating on the computer for proxy-executing code corresponding to each triggering device of the first process on behalf of such first process, the second process including a license evaluator for evaluating the license to determine whether the first process is to be operated in accordance with the terms and conditions set for the in such license, the second process choosing whether to in fact proxy-execute the code corresponding to each triggering device of the first process on behalf of such first process based at least in part on whether the license evaluator has determined that the first process is to be operated in accordance with the terms and conditions of the license.” The Office Action asserts that the Crossley et al reference discloses this claim limitation in column 3, lines 28-33 and column 4, lines 29-54, however it does not.

The Crossley et al reference, in column 3, lines 28-33 and column 4, lines 29-54, simply recites a computer process that provides a series of checks to determine whether conflicts exist between multiple program processes that are requesting system services, program processes that are initiated by users of the system. There is no teaching or suggestion of proxy-execution of one program process on behalf of another. In addition, as the Office Action admits, there is no teaching of the granting of a digital license for the program to operate. Also, there is no teaching of the operation of a program that is not interfaced with a user or under a user’s control. Thus, the Crossley et al reference does not teach or suggest at least these features of claims 1 and 17.

The Office Action looks to the Wyman et al reference to correct the deficiencies of the Crossley et al reference, however, it does not. The Wyman et al reference does recite a license management system for a computer process, however, the Wyman et al reference does not disclose a conditional execution by proxy of one computer process by another. The Wyman et al reference teaches, in Col 7, lines 30 – 40, only a direct connection between the requesting process for a license, and the server granting the license and access. This does not teach or suggest execution by proxy, as required by the claims of the present application.

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Furthermore, claims 1 and 17 also recite, in part “whereby the first process is dependent on and cannot be operated without the second process.” The Office Action is silent as to this claim feature. Even were it not, neither Crossley et al nor Wyman et al provide a teaching for this claim feature. Therefore, claims 1 and 17 are patentable over the combination of Crossley et al and Wyman et al for at least these reasons. Reconsideration and allowance of these claims is respectfully requested.

Regarding claims 2-6 and 18-23, these claims are rejected over the combination of Crossley et al in view of Wyman et al. However, claims 2-6 and 18-23 all depend from claims 1 and 17. As such, the applicants submit that these claims are patentable over the combination of Crossley et al in view of Wyman et al for at least the reasons stated above. Accordingly, reconsideration and allowance are respectfully requested.

CONCLUSION

For the forgoing reasons, the applicants respectfully submit that the instant application is in condition for allowance. Reconsideration and early allowance is hereby respectfully requested.

Respectfully submitted,

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